

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

ANDRE ROSADO,
a/k/a "DRE"

)
) Cr. No. 05-40011-FDS
)
)
) VIOLATIONS:
) 21 U.S.C. § 841(a)(1) --
) Distribution of
) Cocaine Base
)
) 21 U.S.C. § 841(a)(1) --
) Possession with intent to
) Distribute Cocaine Base
)
) 18 U.S.C. § 922(c)
) Possession of a Firearm
) in Furtherance of a Drug
) Trafficking Offense
)
) 18 U.S.C. § 922 (g)(1)
) Felon in Possession
) of a Firearm
)
) 21 U.S.C. §853--
) Criminal Forfeiture
) Allegation

SUPERSEDING INDICTMENT

COUNT ONE: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine
Base; 18 U.S.C. §2 -- Aiding and Abetting)

The Grand Jury charges that:

On or about February 23, 2005, at Fitchburg, in the District
of Massachusetts,

ANDRE ROSADO, a/k/a "DRE,"

defendant herein, did knowingly and intentionally distribute a
quantity of cocaine base, a Schedule II controlled substance.

The Grand Jury further alleges that the offense described herein involved at least 5 grams of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii), is applicable to this count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT TWO: (21 U.S.C. § 841(a)(1) -- Possession with Intent to Distribute Cocaine Base)

The Grand Jury charges that:

On or about April 6, 2005, at Fitchburg, in the District of Massachusetts,

ANDRE ROSADO, a/k/a "DRE,"

defendant herein, did knowingly and intentionally possess with intent to distribute a quantity of cocaine base, a Schedule II controlled substance.

The Grand Jury further alleges that the offense described herein involved at least 5 grams of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii), is applicable to this count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE: (18 U.S.C. § 924(c)(1)--Possessing a Firearm in
Furtherance of a Drug Trafficking Crime)

The Grand Jury further charges that:

On or about April 6, 2005, at Fitchburg in the District of
Massachusetts,

ANDRE ROSADO, a/k/a "DRE,"

defendant herein, did knowingly and intentionally possess a
firearm, to wit: a black Taurus 9 millimeter semi-automatic
handgun, Model PT99AF, bearing Serial Number TRE08150, and a
black and silver Taurus 9 millimeter semi-automatic handgun,
Model PT111, bearing Serial Number TSG88098, in furtherance of a
drug trafficking crime, to wit: possession with intent to
distribute cocaine base, in violation of 21 U.S.C. § 841(a)(1),
as charged in Count Two of this Superseding Indictment.

All in violation of Title 18, United States Code, Section
924(c)(1).

COUNT FOUR: (18 U.S.C. § 922(g)(1))--Felon in Possession of a Firearm)

The Grand Jury further charges that:

On or about April 6, 2005, at Fitchburg, in the District of Massachusetts,

ANDRE ROSADO, a/k/a "DRE,"

defendant herein did knowingly possess in and affecting commerce, a firearm, to wit: a black Taurus 9 millimeter semi-automatic handgun, Model PT99AF, bearing Serial Number TRE08150, and a black and silver Taurus 9 millimeter semi-automatic handgun, Model PT111, bearing Serial Number TSG88098, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year.

All in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

The Grand Jury further charges that:

1. As a result of the offenses alleged in Count 1 and 2 of this Indictment,

ANDRE ROSADO, a/k/a "DRE,"

defendant herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendant --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL,

Erin A. MacKinnon
FOREPERSON OF THE GRAND JURY

Leah B. Foley
LEAH B. FOLEY
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS

September 27, 2006

Returned into the District Court by the Grand Jurors and
filed.

James N. Zuck @ 12:14 PM
Deputy Clerk

JS 45 (5/97) - (Revised USAO MA 11/15/05)

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: Fitchburg Category No. II Investigating Agency DEACity Fitchburg Related Case Information:County Worcester Superseding Ind./ Inf. ☒ Case No. 05:40011-FDS
Same Defendant ☒ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Andre Rosado Juvenile ☐ Yes ☒ NoAlias Name "Dre"Address 37 Pleasant Street, Fitchburg, MABirth date (Year only): 1976 SSN (last 4 #): 8431 Sex M Race: Hispanic Nationality: USADefense Counsel if known: Ed Haden Address: 7 Franklin Street
Lynn, MA 01902Bar Number: 226430**U.S. Attorney Information:**AUSA Leah B. Foley Bar Number if applicable _____Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Victims: ☐ Yes ☒ No If Yes, are there multiple crime victims under 18 U.S.C. §3771(d)(2) ☐ Yes ☐ NoMatter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: April 6, 2005☒ Already in Federal Custody as Pretrial detention in _____☐ Already in State Custody ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty ☐ Misdemeanor ☒ Felony 4

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 9/27/06 Signature of AUSA: Leah B. Foley

JS 45 (5/97) - (Revised USAO MA 11/15/05) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Andre Rosado

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 841</u>	<u>Distribution of cocaine base</u>	<u>1 & 2</u>
Set 2	<u>18 USC 924(C)(1)</u>	<u>Possessing firearm furtherance drug trafficking</u>	<u>3</u>
Set 3	<u>18 USA 922</u>	<u>Felon in possession firearm</u>	<u>4</u>
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: